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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,327	02/19/2004	Melbourne F. Giberson	TRI 8300D2	5403
1688	7590	10/12/2005		
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			EXAMINER LESLIE, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3745	
DATE MAILED: 10/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,327

Applicant(s)

GIBERSON ET AL.

Examiner

Michael Leslie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Applicant's arguments filed August 25, 2005 have been fully considered but they are not persuasive.

Applicant has generally argued that the obviousness rejection lacks specific reasons or specific combinations to support modifications of the references and that there is no suggestion to combine the references.

This statement is not agreed with. Seibold (2067793) discloses a hydraulic fluid coupling for driving outputs via a prime mover wherein the main feature of the invention is the placement of the reservoir below the fluid coupling and the pump below the reservoir for increased safety and efficiency (Column 1, Lines 15-50). With an assembly including a fluid coupling, a diesel engine for driving the fluid coupling, a rotating comminuting machine, a power train between the fluid coupling and the rotating comminuting machine, the fluid coupling having an impeller and a runner, the runner being fastened to an output shaft, and a flange at the bottom of the fluid coupling known in the art, by Applicant's admission (i.e. the preamble of claim 1, and the specification), improvements in safety and efficiency provide clear motivation for modification of the references.

Claim Objections

Claim 1 is objected to because of the following informalities: Lines 2-3, "a prime mover for driving said coupling," should be deleted, Line 10, ",", should be ---. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seibold (2067793) in view of Applicant's prior art admission.

Seibold discloses a fluid coupling (41) driven by a prime mover (45), a power train connected to the fluid coupling, the coupling having an impeller (41a) and a runner (41b) fastened to an output shaft (47), a flange (not numbered) at the bottom of the coupling, a reservoir (48) that is remotely mounted at a level below the flange, having a conduit (11 in Fig. 1) connecting the flange at the bottom of the fluid coupling with the reservoir, and a pump (49) with an inlet communicating with and positioned below the level of oil in the reservoir, wherein the pump is directly driven by an electric motor (52). Seibold does not teach that the assembly includes a rotating comminuting machine connected to the fluid coupling via the power train.

An assembly including a fluid coupling, a diesel engine for driving the fluid coupling, a rotating comminuting machine, a power train between the fluid coupling and the rotating comminuting machine, the fluid coupling having an impeller and a runner, the runner being fastened to an output shaft, and a flange at the bottom of the fluid coupling is, by Applicant's admission, known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Seibold to include a rotating comminuting machine connected to

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the fluid coupling via the power train as taught by Applicant's prior art admission for the purpose of driving the rotating comminuting machine with increased safety and efficiency.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seibold in view of Applicant's prior art admission as applied to claim 1 above, and further in view of Bauer et al (1868129).

Seibold as modified discloses an assembly as described above with respect to claim 1, including an electric motor driving the pump, but does not teach that the pump is driven by a hydraulic motor.

Bauer et al teach an assembly having a fluid coupling (L, K), driven by a prime mover, connected to an output via a power train, a reservoir (13) remotely connected to the coupling, and a pump (15), driven by a hydraulic motor (6), with an inlet communicating with and positioned below the level of oil in the reservoir.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Seibold as modified, with respect to claim 1, by having the pump driven by a hydraulic motor as taught by Bauer et al for the purpose of supplying oil to the fluid coupling.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's prior art admission in view of Seibold (2067793).

An assembly including a fluid coupling, a diesel engine for driving the fluid coupling, a rotating comminuting machine, a power train between the fluid coupling and the rotating comminuting

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machine, the fluid coupling having an impeller and a runner, the runner being fastened to an output shaft, and a flange at the bottom of the fluid coupling is, by Applicant's admission, known in the art. Applicant's admission does not teach that a reservoir is remotely mounted at a level below the flange at the bottom of the fluid coupling having a conduit connecting the flange with the reservoir, or that a pump has an inlet communicating with and positioned below the level of oil in the reservoir.

Seibold discloses a fluid coupling (41) driven by a prime mover (45), a power train connected to the fluid coupling, the coupling having an impeller (41a) and a runner (41b) fastened to an output shaft (47), a flange (not numbered) at the bottom of the coupling, a reservoir (48) that is remotely mounted at a level below the flange, having a conduit (11 in Fig. 1) connecting the flange at the bottom of the fluid coupling with the reservoir, and a pump (49) with an inlet communicating with and positioned below the level of oil in the reservoir, wherein the pump is directly driven by an electric motor (52).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Applicant's prior art admission to include a reservoir remotely mounted at a level below the flange at the bottom of the fluid coupling having a conduit connecting the flange with the reservoir, and a pump having an inlet communicating with and positioned below the level of oil in the reservoir as taught by Seibold for the purpose of driving the rotating comminuting machine with increased safety and efficiency.

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Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's prior art admission in view of Seibold as applied to claim 1 above, and further in view of Bauer et al (1868129).

Applicant's prior art admission as modified discloses an assembly as described above with respect to claim 1, including an electric motor driving the pump, but does not teach that the pump is driven by a hydraulic motor.

Bauer et al teach an assembly having a fluid coupling (L, K), driven by a prime mover, connected to an output via a power train, a reservoir (13) remotely connected to the coupling, and a pump (15), driven by a hydraulic motor (6), with an inlet communicating with and positioned below the level of oil in the reservoir.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Seibold as modified, with respect to claim 1, by having the pump driven by a hydraulic motor as taught by Bauer et al for the purpose of supplying oil to the fluid coupling.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doppstadt (5472146) in view of Seibold.

Doppstadt discloses an assembly including a fluid coupling (15), a diesel engine (9) for driving the fluid coupling, a rotating comminuting machine (58), a power train (18, 52) between the fluid coupling and the rotating comminuting machine, the fluid coupling having an impeller and a runner, the runner being fastened to an output shaft (17). Doppstadt does not teach that the fluid coupling includes a flange at the bottom, a reservoir is remotely mounted at a level below the

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flange at the bottom of the fluid coupling having a conduit connecting the flange with the reservoir, or that a pump has an inlet communicating with and positioned below the level of oil in the reservoir.

Seibold discloses a fluid coupling (41) driven by a prime mover (45), a power train connected to the fluid coupling, the coupling having an impeller (41a) and a runner (41b) fastened to an output shaft (47), a flange (not numbered) at the bottom of the coupling, a reservoir (48) that is remotely mounted at a level below the flange, having a conduit (11 in Fig. 1) connecting the flange at the bottom of the fluid coupling with the reservoir, and a pump (49) with an inlet communicating with and positioned below the level of oil in the reservoir, wherein the pump is directly driven by an electric motor (52).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Doppstadt to include a flange at the bottom of the fluid coupling, a reservoir remotely mounted at a level below the flange having a conduit connecting the flange with the reservoir, and a pump having an inlet communicating with and positioned below the level of oil in the reservoir as taught by Seibold for the purpose of driving the rotating comminuting machine with increased safety and efficiency.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doppstadt in view of Seibold as applied to claim 1 above, and further in view of Bauer et al (1868129).

Doppstadt as modified discloses an assembly as described above with respect to claim 1, including an electric motor driving the pump, but does not teach that the pump is driven by a hydraulic motor.

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Bauer et al teach an assembly having a fluid coupling (L, K), driven by a prime mover, connected to an output via a power train, a reservoir (13) remotely connected to the coupling, and a pump (15), driven by a hydraulic motor (6), with an inlet communicating with and positioned below the level of oil in the reservoir.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Seibold as modified, with respect to claim 1, by having the pump driven by a hydraulic motor as taught by Bauer et al for the purpose of supplying oil to the fluid coupling.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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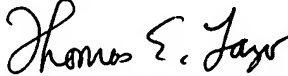
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Leslie whose telephone number is (571) 272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
October 3, 2005


Michael Leslie
Patent Examiner
AU 3745


THOMAS E. LAZO
PRIMARY EXAMINER